

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Donaghy	Team: Squad #2	CCRB Case #: 201903880	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 04/19/2019 4:35 PM	Location of Incident: 3rd Avenue and 3rd Street	Precinct: 78	18 Mo. SOL 10/19/2020	EO SOL 6/5/2021	
Date/Time CV Reported Tue, 05/07/2019 8:59 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/07/2019 8:59 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Thomas Dicamillo	15487	948887	078 PCT
2. POF Inna Miroshnyk	04042	963654	078 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Thomas Dicamillo	Abuse: Police Officer Thomas DiCamillo refused to provide his name to § 87(2)(b)	
B.POM Thomas Dicamillo	Abuse: Police Officer Thomas DiCamillo refused to provide his shield number to § 87(2)(b)	
C.POF Inna Miroshnyk	Abuse: Police Officer Inna Miroshnyk refused to provide her name to § 87(2)(b)	
D.POF Inna Miroshnyk	Abuse: Police Officer Inna Miroshnyk refused to provide her shield number to § 87(2)(b)	
E.POM Thomas Dicamillo	Abuse: Police Officer Thomas DiCamillo issued a summons to § 87(2)(b)	

Case Summary

On May 7, 2019, § 87(2)(b) called the CCRB to report the following complaint.

At approximately 4:35 p.m. on April 19, 2019, § 87(2)(b) was driving his car when Police Officer Thomas DiCamillo and Police Officer Inna Miroshnyk of the 78th Precinct stopped him at the intersection of 3rd Avenue and 3rd Street in Brooklyn. Police Officer DiCamillo issued § 87(2)(b) two summonses, one each for the tints on the vehicle's front and rear-driver's side windows (Board Review 01). § 87(2)(b) requested Police Officer DiCamillo's name and shield number, but Police Officer DiCamillo did not state them (**Allegation A: Abuse of Authority – Refusal to provide name, § 87(2)(g)**) (**Allegation B: Abuse of Authority – Refusal to provide shield number, § 87(2)(g)**). § 87(2)(b) also requested the name and shield number of Police Officer Miroshnyk from Police Officer DiCamillo, who informed Police Officer Miroshnyk of this request, but § 87(2)(b) was never provided with them (**Allegation C: Abuse of Authority – Refusal to provide name, § 87(2)(g)**) (**Allegation D: Abuse of Authority – Refusal to provide shield number, § 87(2)(g)**). Police Officer DiCamillo then issued § 87(2)(b) an additional summons for the tinting of his front passenger's side window (Board Review 01) (**Allegation E: Abuse of Authority – Retaliatory summons, § 87(2)(g)**). § 87(2)(b) allegedly requested Police Officer Miroshnyk's name and shield number directly from her, but she did not respond to this request (**within Allegations C and D**).

The investigation obtained footage from the body-worn camera (BWC) of Police Officer Thomas DiCamillo, which is attached to IA #40 (Board Review 02). The footage is summarized in IA #41 (Board Review 03).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Thomas DiCamillo refused to provide his name to § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Thomas DiCamillo refused to provide his shield number to § 87(2)(b)

On May 7, 2019, § 87(2)(b) gave a phone statement during his intake call with the CCRB. On May 9, 2019, § 87(2)(b) was interviewed at the CCRB. On June 4, 2019, Police Officer DiCamillo was interviewed at the CCRB. On June 10, 2019, Police Officer Miroshnyk was interviewed at the CCRB.

It is undisputed that § 87(2)(b) was separately given two sets of summonses by Police Officer DiCamillo; § 87(2)(b) was first given two summonses, § 87(2)(b) and § 87(2)(b) and then later during this same incident he was given a third summons, § 87(2)(b) (Board Review 01). The summonses were computer generated and clearly state "POM T DICAMILLO". Police Officer DiCamillo's shield number was not on the computer-generated summonses. It is undisputed that Police Officer DiCamillo did not at any point during this incident verbally provide his name or shield number.

§ 87(2)(b) stated that while being given the first set of summonses, he asked Police Officer

DiCamillo for his name and shield number by stating "I need your name and badge number" multiple times in succession. The first and second time § 87(2)(b) requested that information, Police Officer DiCamillo did not respond. The third and fourth time § 87(2)(b) asked, Police Officer DiCamillo replied that all the information requested was on the summons. At that point Police Officer DiCamillo requested § 87(2)(b)'s license and registration and walked away from § 87(2)(b)'s vehicle.

Five to ten minutes later, when Police Officer DiCamillo was giving § 87(2)(b) the third summons, § 87(2)(b) requested Police Officer DiCamillo's name and shield number for a fifth time. Police Officer DiCamillo told § 87(2)(b) again that the information was on the summons, before walking away from § 87(2)(b). That was the last interaction § 87(2)(b) and Police Officer DiCamillo had during this incident, and at no point did Police Officer DiCamillo verbally provide his name or shield to § 87(2)(b).

Police Officer DiCamillo stated that after giving § 87(2)(b) the first two summonses § 87(2)(b) asked for his shield number. Police Officer DiCamillo did not recall how he was asked for his shield number or how many times he was asked. Police Officer DiCamillo replied to § 87(2)(b)'s request by stating multiple times that his information was on the summonses, but did not verbalize his name or his shield number. Police Officer DiCamillo did not recall what, if anything, § 87(2)(b) said to him in response to receiving the third summons.

Police Officer Miroshnyk stated that during the entirety of the incident she was standing on the passenger side of the vehicle, and that the traffic on 3rd Avenue was so loud that she was unable to hear any of the conversation between § 87(2)(b) and Police Officer DiCamillo. Police Officer Miroshnyk did not hear any of § 87(2)(b)'s requests for a name or a shield number.

Police Officer DiCamillo's BWC footage (Board Review 02) largely corroborates § 87(2)(b)'s account. At two points during the incident § 87(2)(b) and Police Officer DiCamillo can be seen to have an exchange about obtaining Police Officer DiCamillo's name and badge number, the first time after receiving the first two summonses, the second time after receiving the third summons.

The first exchange begins at 4:46:41 p.m., and is documented in a subclip of Police Officer DiCamillo's BWC footage located in IA #43 (Board Review 04). At this point in the incident Police Officer DiCamillo has already issued § 87(2)(b) the first two summonses. As Police Officer DiCamillo is explaining the process for responding to the summons § 87(2)(b) asks "What's - what's your name..." and Police Officer DiCamillo speaks simultaneously stating "It's all written down on the ticket." § 87(2)(b) states "No, name and badge number," and Police Officer DiCamillo states again "It's all written down on the ticket." § 87(2)(b) lifts his phone, angling it towards Police Officer Miroshnyk, who is standing on the passenger's side of the vehicle between the front and rear window, and asks "Both?" Police Officer DiCamillo responds "My name is on the ticket, I'm giving you the ticket."

The second exchange begins at 4:52:01 p.m., and is documented in a subclip located in IA #47 (Board Review 05). At this point in the incident Police Officer DiCamillo had already given § 87(2)(b) a third summons, returned his ID and registration, and started to walk away from § 87(2)(b).

§ 87(2)(b)'s vehicle. After taking only a few steps, he stops and states "Yes?", in what appears to be a response to an inaudible comment by § 87(2)(b) leaning back towards § 87(2)(b)'s passenger's side window. § 87(2)(b) asks, "Badge number?", and Police Officer DiCamillo responds "It's all on the summons, sir." Police Officer DiCamillo then immediately walks away from § 87(2)(b)'s vehicle, as § 87(2)(b) can be heard still speaking. § 87(2)(b)'s last statement is not audible on the body-worn camera footage.

A review of Police Officer DiCamillo's body-worn camera found that at no point during this incident did Police Officer DiCamillo verbalize his name and badge number to § 87(2)(b) (Board Review 02) (Board Review 03).

Patrol Guide Procedure 203-09 requires officers to courteously and clearly state their name and shield number, or otherwise provide them, to anyone who requests for them to do so (Board Review 11).

§ 87(2)(g)
[REDACTED]

Allegation (C) Abuse of Authority: Police Officer Inna Miroshnyk refused to provide her name to § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Inna Miroshnyk refused to provide her shield number to § 87(2)(b)

§ 87(2)(b) stated that while he was being given the first set of summonses, he asked Police Officer DiCamillo for Police Officer Miroshnyk's name and shield number multiple times. At that point § 87(2)(b) did not ask Police Officer Miroshnyk directly for her name or shield number, and Police Officer DiCamillo did not respond to his request for her information. After being given the third summons, while Police Officer DiCamillo and Police Officer Miroshnyk were walking away from his vehicle, § 87(2)(b) stated loudly out of his open driver's side window, "Miss, can I have your name and badge number." Neither officer turned around or gave any other physical indication that they heard § 87(2)(b) Police Officer Miroshnyk did not at any point provide her name or shield number to § 87(2)(b)

Police Officer Miroshnyk stated that during the entirety of the incident she was standing on the passenger side of the vehicle, and that the traffic on 3rd Avenue was so loud that she was unable

to hear any of the conversation between § 87(2)(b) and Police Officer DiCamillo. Police Officer Miroshnyk did not hear § 87(2)(b) request her name or a shield number, and did not recall § 87(2)(b) speaking to her, making any gestures towards her, or otherwise making any attempt to interact with her at any point during the incident. Police Officer Miroshnyk did not at any point provide her name or shield number to § 87(2)(b).

Police Officer DiCamillo stated that § 87(2)(b) never directly asked Police Officer Miroshnyk for her name or shield number at any point, and that Police Officer Miroshnyk had no interaction with § 87(2)(b) throughout the entire incident. Police Officer DiCamillo was only asked about his own name and shield number. Police Officer DiCamillo did not recall § 87(2)(b) saying anything as he and Police Officer Miroshnyk walked away from the § 87(2)(b)'s vehicle.

Police Officer DiCamillo's body-worn camera shows multiple requests by § 87(2)(b) for Police Officer Miroshnyk's information from Police Officer DiCamillo. The exchange with the requests occurred at 4:46:41 p.m. and is documented in a subclip of Police Officer DiCamillo's BWC located in IA #43 (Board Review 04). At this point in the incident § 87(2)(b) had already been given the first two summonses, and he had just asked Police Officer DiCamillo for his name and shield number. Police Officer DiCamillo responded to that request by saying "It's all written down on the ticket." § 87(2)(b) angled his phone towards Police Officer Miroshnyk, who was standing on the passenger's side of the vehicle, and asked "Both?" Police Officer DiCamillo responded "My name is on the ticket, I'm giving you the ticket." § 87(2)(b) stated "I know you can't do it. I know you can't do it sir, that's an illegal ticket. What's your partner's name and badge number?" Police Officer DiCamillo stated "Here, I'll get it for you, alright?" before taking § 87(2)(b)'s ID and registration again. Police Officer DiCamillo did not inform § 87(2)(b) of Police Officer Miroshnyk's name and shield number before returning to his vehicle to generate the third summons.

At 4:49:45 p.m. in a subclip of Police Officer DiCamillo's BWC located in IA #45, Police Officer DiCamillo is heard informing Police Officer Miroshnyk of § 87(2)(b)'s request while they were both back in their vehicle (Board Review 06). Police Officer DiCamillo recounts his earlier exchange with § 87(2)(b) stating to Police Officer Miroshnyk, "What's your name and badge number? I'm like, it's all on the ticket sir. What's your partner's name and badge number? I'm like sir, I'm giving you the ticket, it's all on the ba- it's all on the thing."

A review of the entirety of Police Officer DiCamillo's body-cam footage of this incident showed no instance of Police Officer Miroshnyk providing her name and shield number to § 87(2)(b) (Board Review 02) (Board Review 03).

Patrol Guide Procedure 203-09 requires officers to courteously and clearly state their name and shield number, or otherwise provide them, to anyone who requests for them to do so (Board Review 11).

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer Thomas DiCamillo issued a summons to

§ 87(2)(b)

It is undisputed that Police Officer DiCamillo and Police Officer Miroshnyk stopped § 87(2)(b) solely for his tinted windows, and further that the windows on § 87(2)(b)'s vehicle were tinted beyond what is allowed under New York State law. It is also undisputed that § 87(2)(b) was separately given two sets of summonses. § 87(2)(b) was first given two summonses, § 87(2)(b) and § 87(2)(b) and then later during this same incident he was given a third summons, § 87(2)(b) (Board Review 01). All the summonses were for violations of New York State Vehicle & Traffic Law, Title 3, Article 9, §375 12-a (b) (2), having light transmittance of less than seventy percent on side windows (Board Review 07).

§ 87(2)(b) stated that after receiving the first two summonses, Police Officer DiCamillo returned his license and registration. It is undisputed that § 87(2)(b) objected to the first two summonses, stating that they were illegal and asking for Police Officer DiCamillo and Police Officer Miroshnyk's name and shield number. § 87(2)(b) stated that immediately after he asked Police Officer DiCamillo for his and his partner's name and shield number multiple times, Police Officer DiCamillo asked for and received § 87(2)(b)'s license and registration a second time. It is undisputed that Police Officer DiCamillo returned to his police vehicle immediately after this interaction.

Police Officer DiCamillo stated that at the beginning of this incident he intended to give § 87(2)(b) two summonses. However, after his interaction with § 87(2)(b) upon giving those two summonses Police Officer DiCamillo decided to issue an additional summons. When asked about this, Police Officer DiCamillo stated "I was using my discretion. He wasn't happy about receiving the summonses, so I used my discretion and decided to give him one more". When asked if § 87(2)(b) complaining about receiving the initial two summonses contributed to his decision to issue a third summons, Police Officer DiCamillo stated "I just used my discretion and issued another summons". When asked if there was a reason he changed his mind about issuing the third summons, Police Officer DiCamillo stated "I, uh, just gave him the third summons". When asked if § 87(2)(b)'s request for his shield number influenced his decision to issue a third summons, Police Officer DiCamillo responded "No".

Police Officer Miroshnyk first stated that when she and Police Officer DiCamillo returned to their vehicle after issuing the first set of summonses, Police Officer DiCamillo told her that he intended to write additional summonses for § 87(2)(b). She later stated that she did not remember a conversation where Police Officer DiCamillo told her he was planning on writing additional summonses, but she was aware he was doing so. Police Officer Miroshnyk was not

involved in the process of writing any summonses as this was Police Officer DiCamillo's car stop.

Police Officer DiCamillo's Body-worn camera captured multiple statements by Police Officer DiCamillo during the incident where Police Officer DiCamillo stated his reasons for generating an additional summons. The first statements occurred at 4:47:15 p.m. in a subclip of Police Officer DiCamillo's BWC located in IA #44 (Board Review 08). While Police Officer DiCamillo was walking back to his police vehicle immediately after § 87(2)(b) asked him for his and his partner's names and shield numbers, Police Officer DiCamillo can be heard to state quietly "I can't believe it". Upon re-entering his police vehicle Police Officer DiCamillo states "I think he got two more".

At 4:49:45 p.m., in a subclip of Police Officer DiCamillo's BWC footage located in IA #45 (Board Review 06), Police Officer DiCamillo explains to Police Officer Miroshnyk why he was writing an additional summons. Police Officer DiCamillo states "What's your name and badge number? I'm like, it's all on the ticket sir. What's your partner's name and badge number? I'm like sir, I'm giving you the ticket, it's all on the ba- it's all on the thing. You know what, give me your information back, you want to make a complaint about me, you get another for." Police Officer Miroshnyk states "Complain about what? This is your tints you, you, you don't have exemption, what are you talking about?" Police Officer DiCamillo replies, "He's like, I'm not the registered owner. I'm like sir, on the computer you're the registered owner." Police Officer DiCamillo states § 87(2)(b) that's him." Police Officer Miroshnyk states "You're going to do one more?" PO DiCamillo replies "Yeah, why not?"

Patrol Guide Procedure 203-10 prohibits engaging in conduct prejudicial to the good order, efficiency or discipline of the Department (Board Review 12). In DCT Disciplinary Case No. 80514/04, signed 09/12/05 (Grappone) a thirteen-year member of the NYPD forfeited ten vacation days and received reinstruction regarding the Department's Courtesy, Professionalism, and Respect policy for issuing summonses as a weapon of retaliation against a complainant who called him a "fucking liar" in traffic court and another who told him to have a "nice fucking day" during a car stop. The officer was found to have "allowed his personal feelings to cloud his judgment as an officer of the law" (Board Review 13).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the 2nd CCRB complaint to which § 87(2)(b) has been a party (Board Review 09).
 - § 87(2)(b)
- Police Officer Thomas DiCamillo has been a member of service for 9 years and has been the subject of 4 allegations in 2 CCRB cases, none of which were substantiated. § 87(2)(g)
- Police Officer Inna Miroshnyk has been a member of service for 2 years. This is the first CCRB complaint to which she has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On July 24, 2019, a FOIL request was made to the New York City Comptroller's Office inquiring about any Notice of Claim filed by or for § 87(2)(b) related to this complaint. The result of that request will be added to this case file upon receipt.
- § 87(2)(b)

Squad No.: 2

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date